

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

	:	
PONTANI, et al.,	:	
	:	
Plaintiffs,	:	
	:	
-vs-	:	Civil Action No. 08-4580 (FSH)
	:	
AMERIHEALTH INSURANCE CO.	:	<u>AMENDED SCHEDULING ORDER</u>
OF NEW JERSEY, et al.,	:	
	:	
Defendants.	:	
	:	

THIS MATTER came before the Court for an in-person status/settlement conference on September 14, 2010. The case failed to settle. In addition, it was clear that the parties still had a substantial amount of discovery to complete. Counsel failed to diligently pursue discovery based on their anticipation that the case would settle, despite the Court’s admonition that they must move forward with discovery. At the completion of the September 14, 2010 conference, the Court ordered counsel to submit a joint proposed amended scheduling order. The Court indicated that the proposed order could adjust the interim deadlines but could not extend the date of the final pretrial conference, currently scheduled for March 11, 2011. Counsel recently submitted a joint proposed amended scheduling order, which the Court reviewed and now declines to adopt. Rather, for good cause shown,

IT IS on this 7th day of October 2010,

ORDERED THAT:

1. The Rule 30(b)(6) deposition of defendant AmeriHealth shall take place on **October 25, 2010**, in the offices of counsel for AmeriHealth in Philadelphia, Pennsylvania.
2. The Rule 30(b)(6) deposition of the Magellan defendants shall take place on **October 26, 2010**, in the offices of Crowell & Mooring in Washington, D.C.
3. The Court will conduct a settlement conference on **November 10, 2010 at 10:00 a.m.** Trial counsel and clients with full settlement authority must attend the settlement conference in person. As counsel represented in their September 23, 2010 correspondence that they are available for the conference on November 10, 2010, the Court fully expects trial counsel to attend the conference. The Court will not entertain any request to adjourn or for non-trial counsel to attend the conference due to other obligations of trial counsel, either anticipated or unanticipated.

4. All class and/or merits discovery must be completed by **December 1, 2010**.
5. The requirements set forth in paragraph 9(a)-(c) of the Court's original scheduling order (DE 64) apply to discovery disputes, except that the deadline for notifying the Court of any unresolved discovery dispute is **November 24, 2010**.
6. Plaintiffs shall serve via electronic mail their Rule 26(a)(2) disclosures for all class and merits experts no later than **November 12, 2010**.
7. Defendants shall serve via electronic mail their Rule 26(a)(2) disclosures for all class and merits experts no later than **November 30, 2010**.
8. All affirmative expert reports shall be served by **December 15, 2010**.
9. All responsive expert reports shall be served by **January 5, 2011**.
10. All expert depositions shall be completed by **January 21, 2011**.
11. Motion briefing schedule:
 - a. Motions for class certification and all dispositive motions, including motions for summary judgment, shall be filed no later than **January 28, 2011**.
 - b. Opposition to motions for class certification and dispositive motions shall be filed no later than **February 7, 2011**.
 - c. Reply briefs in support of motions for class certification and dispositive motions shall be filed no later than **February 14, 2011**.
 - d. The return date for the motions shall be **February 22, 2011** before the Honorable Faith S. Hochberg. Judge Hochberg's chambers will advise the parties if oral argument will be required.
 - e. The Court notes that the briefing schedule provided above reflects the motion calendar for a motion return date of February 22, 2011. However, parties may not invoke an automatic briefing extension. If the parties complete fact and expert discovery prior to January 21, 2011, they may request a revised motion briefing schedule with an earlier initial filing date and additional time to file opposition briefs.

12. The Court shall conduct a final pretrial conference on **March 11, 2011 at 2:00 p.m.** in Courtroom 2C. Trial counsel shall attend the final pretrial conference. Clients with full settlement authority shall be immediately available by phone. Counsel shall submit a joint proposed final pretrial order by **March 4, 2011.**
13. Paragraphs 21 - 25 of the Court's original scheduling order (DE 64) remain in effect in their entirety.

s/ Michael A. Shipp
HONORABLE MICHAEL A. SHIPP
United States Magistrate Judge